CWP No.1037 of 2006

16.07.2007 Present: Mr. Virender Kumar, petitioner, in person.

Mr. M.S.Chandel, Advocate General along with Mr. R.M.Bisht, Deputy Advocate General for the respondents.

Pursuant to our detailed order dated 17.5.2007, the Additional Chief Secretary (Food, Civil Supplies & Consumer Affairs) has filed her affidavit dated 15th June, 2007. Para 4 of the affidavit reads as follows:

> "That as already submitted in the reply the State Government had notified 12 District Forums in the State during 1995. Every District Consumer Forum has two members each in every district and they hold the proceeding along with the President on the days fixed by him. At that time due to less work load it was not found justified to appoint Presidents for each District forums and therefore, the State Government decided to initially appoint one President for 3-4 districts on the basis of geographic location of the districts and as such three Presidents were appointed in the three revenue division Headquarters at Shimla, Mandi and Dharamshala. In the year 1997, some increase in cases were experienced and accordingly fourth post of the President was filled up during 1998 and the names of District forums with their jurisdictions were redefined as under:

Name of the District Forum	**Jurisdiction**
1. Shimla	Shimla, Solan Sirmaur & Kinnaur
2. Mandi	Mandi, Kullu & Lauhal-Spiti
3. Kangra	Kangra & Chamba
4.Una	Una, Hamirpur & Bilaspur.

> The Government had directed the Presidents to hold circuit courts at every district Headquarter at least once in a month

in their respective jurisdictions, which practice is being followed presently. By this arrangement, the public of the concerned districts have been getting relief as the Presidents from the District Forums visit and hold the circuit courts regularly and decide the cases in the capacity of President of that district. Moreover, there are no prolonged pendencies in the districts."

Along with the affidavit, the deponent has attached the opinion given by the President, H.P.State Consumer Disputes Redressal Commission, Shimla, the relevant portion of which reads as follows:

> "In the light of the above facts, it is suggested that wherever number of cases consistently pending for a period of 6 months is above 150, independent District Forums need to be established immediately and where number of cases at present is less that 150, it can be clubbed with other District Forums on the basis of Rule 3. But for that purpose, permission of the Central Government is necessary for clubbing of 2/3 districts together as is the practice being followed in the State of Himachal Pradesh at present.
>
> Further independent District Forum at Solan needs to be opened at the earliest. Thereafter keeping in view the pendency of cases at Hamirpur and Sirmaur districts, steps need to be taken by the State Government to establish independent District Forums in these districts as number of pending cases also justifies this.
>
> Sd/ - President, H.P. State Consumer Disputes Redressal Commission, Shimla. "

We are of the considered opinion, as already indicated in our order dated 17.5.2007, that the opinion of the President, H.P.State

Consumer Disputtes Redressal Commission, Shimla is most relevant for determining the question whether new consumer Courts should be opened and if so, at which places.

In the light of the fresh affidavit filed, we dispose of the present writ petition with a direction to the State Government to take an appropriate decision in respect of the constitution of permanent District Consumer Forums in the Districts of Himachal Pradesh and especially in Solan, Hamirpur and Sirmaur Districts as indicated in the opinion given by the President, H.P.State Consumer Disputes Redressal Commission, Shimla. This decision be taken up within eight weeks from today. Compliance affidavit be filed in Court by 15th September, 2007. The petitioner would be at liberty to approach this Court again if he is aggrieved by the decision taken by the State Government.

The Writ Petition is disposed of accordingly.

(Deepak Gupta),J.

16th July, 2007 (V.K.Ahuja),J
(sds)